

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**RIO GRANDE FOUNDATION and
ILLINOIS OPPORTUNITY PROJECT,**

Plaintiffs,

v.

Case No: 1:19-cv-1174-JCH-JFR

**MAGGIE TOULOUSE OLIVER, in her
official capacity as Secretary of State
of New Mexico,**

Defendant.

**JOINT MOTION TO AMEND
CASE MANAGEMENT ORDER TO EXTEND DISCOVERY DEADLINE**

The Parties jointly move to amend the Revised Amended Case Management Order (ECF No. 43) to extend the deadline to complete discovery by 45 days, until April 9, 2021, so that depositions may be completed. Although the Parties have completed written discovery, Plaintiffs were not able to provide their interrogatory responses and document production until recently as a result of COVID-19-related disruptions. Without these interrogatory answers and documents, the Secretary of State has been unable to take Plaintiffs' depositions, which the requested 45-day extension would permit.

In support of this motion, the Parties state as follows:

1) The current Case Management Order contains a series of deadlines, including a discovery deadline of February 23, 2021. (Revised Amended Case Management Order, ECF No. 43.)

2) The Case Management Order was previously amended because of delays and disruptions caused by the COVID-19 public health emergency, and to postpone discovery until after the parties completed preliminary injunction litigation in advance of the 2020 general election. (See Order Granting Motion to Amend Case Management Order, ECF No. 25; Revised¹ Amended Case Management Order, ECF No. 43.)

3) The Secretary of State propounded written discovery on Plaintiffs on July 2, 2020. (Certificate of Service, ECF No. 26). The parties agreed that responses to this written discovery could be postponed until after the conclusion of preliminary injunction litigation and the 2020 general election.

4) Although Plaintiffs provided responses to the Secretary's requests for admission and requests for production in late November, they did not provide their interrogatory answers and produce responsive documents until January 27, 2021. This delay was the result of disruptions due to the COVID-19 public health emergency.

5) Until these interrogatory answers and documents had been received and reviewed, the Secretary of State could not schedule depositions of Plaintiffs and their witnesses. However, the Parties now intend to take these depositions as quickly as is

¹ This Order was revised due to a typographical error in the original Amended Case Management Order, ECF No. 42.

practicable given the Parties and counsel's schedules and deadlines in other litigation. A 45-day extension of the discovery deadline, until April 9, 2021, will permit these depositions to occur.

6) Therefore, the Parties respectfully request that the Court extend the Parties' discovery deadline by 45 days, until April 9, 2021, and all other deadlines in the Case Management Order accordingly.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on February 23, 2021, I served the foregoing on counsel of record for all parties via the CM/ECF system.

/s/ Nicholas M. Sydow

Nicholas M. Sydow